

SENATE BILL 1163

By Hensley

AN ACT to amend Tennessee Code Annotated, Title 30,
relative to estates.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 30-2-601(a)(1), is amended by adding the following at the end of the subdivision:

If accountings have been waived by the decedent's will or other pleadings filed with the court, the personal representative shall not be required to file a detailed accounting but shall be required to file a status report detailing any remaining estate issues within fifteen (15) months from the date of qualification. Upon application of one (1) or more of the heirs, the court may require the personal representative to file a detailed accounting with the court.

SECTION 2. Tennessee Code Annotated, Section 30-2-601, is amended by deleting the words "of the residue" wherever they appear.

SECTION 3. Tennessee Code Annotated, Section 30-2-601(b), is amended by designating the existing language as subdivision (1) and adding a new subdivision (2) as follows:

(2) If the personal representative has made diligent efforts, satisfactory to the court, to obtain an acknowledgement from any distributee, and one (1) or more distributees have failed to comply, the personal representative may move the court for closure of the estate by giving notice of the pending settlement to the non-compliant distributees. Failure of a non-compliant distributee to appear and or participate in the hearing shall result in a final order closing the estate.

SECTION 4. Tennessee Code Annotated, Section 30-2-601(d), is amended by deleting the subsection and substituting instead the following:

(d) In connection with any final settlement with the court, it is necessary for the receipt of any legatee or distributee to be executed under penalty of perjury or otherwise sworn before the clerk or a notary public, in a form substantially equivalent to the following form:

IN THE _____ COURT OF _____ COUNTY, TENNESSEE:

IN THE MATTER OF THE ESTATE OF:

_____ NO. _____

RECEIPT AND WAIVER

I, the undersigned, _____, being a beneficiary under the Last Will and Testament, or an heir at law in the estate of _____, deceased, do hereby acknowledge receipt of all of the benefits due me and satisfactory to me, in the above-referenced estate, which were subject to administration and still remaining after all debts of the decedent, the taxes and the cost of administration were satisfied.

I, the undersigned, further acknowledge that the above-referenced estate is ready for closure and waive any further notice of final settlement of this estate and excuse the personal representative from any and all court accountings and further acknowledge notification of the potential personal liability under Tennessee Code Annotated § 30-2-307(a)(2), if applicable.

Signed this the _____ day of _____, 20____, UNDER PENALTY OF PERJURY.

(OR)

Beneficiary or Heir

Signed this the _____ day of _____, 2016

Beneficiary or Heir

State of Tennessee
County of _____

Personally appeared before me, the undersigned Notary Public for the above-referenced county and state, who has proved to me on the basis of satisfactory evidence of who he or she is and who acknowledged that he or she executed the within instrument for the purposes therein contained.

Witness my hand and official seal, on this the _____ day of _____, 20____.

Notary Public

My commission expires:

SECTION 5. Tennessee Code Annotated, Section 30-2-602, is amended by deleting the language "If any personal representative fails to settle the accounts" and substituting instead the language "If any personal representative fails to settle the accounts or file a status report".

SECTION 6. Tennessee Code Annotated, Section 30-2-701, is amended by deleting the period at the end of the section and substituting instead the language "in accordance with part 6 of this chapter."

SECTION 7. Tennessee Code Annotated, Section 30-2-707, is amended by deleting the last sentence of the section and substituting instead the following:

It shall be necessary for the receipt to be executed under penalty of perjury or otherwise sworn before the clerk or a notary public. In the event that one (1) or more distributees refuse to acknowledge receipt of their respective share, the personal representative shall proceed to close the estate in accordance with part 6 of this chapter. The receipt shall be substantially equivalent to the following form:

IN THE _____ COURT OF _____ COUNTY, TENNESSEE:

IN THE MATTER OF THE ESTATE OF:

_____ NO. _____

RECEIPT AND WAIVER

I, the undersigned, _____, being a beneficiary under the Last Will and Testament, or an heir at law in the estate of _____, deceased, do hereby acknowledge receipt of all of the benefits due me and satisfactory to me, in the above-referenced estate, which were subject to administration and still remaining after all debts of the decedent, the taxes and the cost of administration were satisfied.

I, the undersigned further acknowledge that the above-referenced estate is ready for closure and waive any further notice of final settlement of this estate and excuse the personal representative from any and all court accountings and further acknowledge notification of the potential personal liability under Tennessee Code Annotated § 30-2-307(a)(2), if applicable.

Signed this the _____ day of _____, 20____, UNDER PENALTY OF PERJURY.

(OR)

Beneficiary or Heir

Signed this the _____ day of _____, 20____

Beneficiary or Heir

State of Tennessee
County of _____

Personally appeared before me, the undersigned Notary Public for the above-referenced county and state, who has proved to me on the basis of satisfactory evidence of who he or she is and who acknowledged that he or she executed the within instrument for the purposes therein contained.

Witness my hand and official seal, on this the _____ day of _____, 20____.

Notary Public

My commission expires:

SECTION 8. This act shall take effect upon becoming a law, the public welfare requiring it.